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*Attorneys for Defendant Google LLC*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO,  
individually and on behalf of all similarly  
situated,

Plaintiffs,

v.

GOOGLE LLC,  
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**GOOGLE LLC'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
ADMINISTRATIVE RELIEF  
REGARDING RULE 30(b)(6)  
DEPOSITIONS OF GOOGLE**

Referral: Hon. Susan van Keulen, USMJ

1 Plaintiffs’ “administrative” motion for relief is meritless, makes a farce of the meet-and-confer  
2 requirement, and should be denied. Google respectfully asks the Court to order the parties to meet and  
3 confer properly and provide a joint stipulation by January 14, 2022, or, in the alternative, adopt  
4 Google’s proposed order filed concurrently.

5 Google has been working in good faith to review and respond to Plaintiffs’ three sprawling  
6 Rule 30(b)(6) deposition notices, encompassing 47 topics on a wide range of issues: revenues and  
7 profits of various Google services, Google’s data reception, data production, collection and usage  
8 controls, dozens of produced documents, the basis for all affirmative defenses that Google asserts or  
9 intends to assert in this case, including all technical details relevant to those defenses, *and more*. In  
10 December, Google met and conferred with Plaintiffs for an hour and a half on the three Rule 30(b)(6)  
11 depositions. Declaration of Sara Jenkins (“Jenkins Decl.”) at ¶ 4. At that meet and confer, counsel for  
12 Google discussed each topic and provided objections, a proposed narrowing, or agreement to provide  
13 corporate testimony. Jenkins Decl. at ¶ 4. Google counsel also solicited Plaintiffs’ position on  
14 whether agreement could be reached in response to Google’s objections. Jenkins Decl. at ¶ 4. Since  
15 that meet and confer, Google has been working on finalizing its objections and identifying the topics  
16 on which it is willing to produce a witness. *Id.* Plaintiffs sought no further meet and confer on these  
17 issues. *Id.*

18 On January 11 at 11:29 am, Plaintiffs emailed with a brand-new “proposal” on next steps to  
19 identify deponents and resolve Google’s objections. Only six and a half hours later, without allowing  
20 Google a chance to respond, Plaintiffs filed this administrative motion seeking relief on their new  
21 proposal. Plaintiffs’ self-help methods of bringing unripe disputes before the Court is prejudicial,  
22 disruptive, and forces the Court to waste precious time on issues that could have (and should have)  
23 been resolved by counsel picking up the phone.

24 Google respectfully asks that the Court order the parties to meet and confer in good faith  
25 regarding these deposition notices and file a joint stipulation no later than January 14, 2022. In  
26 addition to substantive objections and agreements on narrowing topics, the parties must also work out  
27 logistical questions, such as, coordinating depositions across the two related cases of *Brown* and  
28 *Calhoun* and the combined fact/corporate testimony of certain individuals. However, if the Court

1 would rather resolve the issues now, Google respectfully asks that the Court order the parties as  
2 follows:

3 1. By January 18, 2022, Google shall serve formal objections and responses to Plaintiffs' three  
4 Rule 30(b)(6) notices and identify its preliminary designees for each topic on which it agrees to  
5 provide testimony.

6 2. By January 19, 2022, the parties will meet and confer on Google's objections and identify  
7 the areas that remain in dispute.

8 3. By January 21, 2022, Plaintiffs will file their two-page brief on outstanding disputes.

9 4. By January 27, Google will file its two-page response on outstanding disputes.

10 5. Within three days of the Court's ruling on the areas in dispute, Google will provide final  
11 designee on each topic and deposition dates.

12  
13 DATED: January 12, 2022

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By /s/ Andrew H. Schapiro

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